

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 05/31/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-8314

By/Representing: Kava

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: MJL

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Kava -

Topic:

Validate revenue limit agreement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 05/31/2001	gilfokm 05/31/2001		_____			
/1			rschluet 05/31/2001	_____	lrb_docadmin 05/31/2001		

05/31/2001 02:53:19 PM

Page 2

LRBb0497

FE Sent For:

<END>

05/31/2001 01:43:09 PM

Page 1

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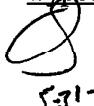
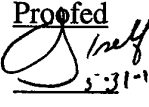
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1?	grantpr	1-5/KMG 31-01	 5-31-01	 5-31-01			

FE Sent For:

<END>

Grant, Peter

From: Kava, Russ
Sent: Thursday, May 31, 2001 10:19 AM
To: Grant, Peter; Lief, Madelon
Subject: DPI Drafting

Peter and Lonnie:

Following are the drafting instructions for my portion of DPI. As I indicated to Peter, most of it is yanking provisions from the bill. For those items, I've indicated the draft and section numbers for each. The only new language relates to high cost special education students and curative acts for revenue limit agreements (both of which have already been drafted) and the secondary cost ceiling, which was one of our alternatives.

As usual, please call with questions or comments.

Russ

General School Aids:

PG 1 Secondary cost ceiling: Yank 1631/1, Sections 2766 and 2767. Instead, draft alternative #2 in paper 731, which reads as follows: "Beginning with equalization aid paid in 2001-02, define the secondary cost ceiling of the equalization aid formula to equal 90% of prior year statewide-shared cost per member. Delete the requirement that the secondary cost ceiling be adjusted annually for inflation."

Revenue Limits:

PG 2 CPI adjustment to per pupil amount: Yank 2057/1, Sections 2207 and 2790 thru 2795

PG 3 Summer school enrollment: Yank 0941/2, Sections 2786 thru 2788

PG 4 Motion #989: Curative act for revenue limit agreement (already drafted by PG as LRBb0194/1)

Categorical Aids:

MJL 5 Special education: Yank 0885/3, 1690/3 and the part of 1828/1 that wasn't pulled as policy, Sections 2659 and 2668 thru 2670. Instead include language from DPI budget request on high cost pupils (already drafted by MJL as LRB0106/P3)

6 CESA and Consolidation grants: Yank 1623/2, Sections 553, 554, 2624 and 2676

Choice, Charter and Open Enrollment:

7 Choice School and Student Eligibility: Yank 1697/3, Sections 2746, 2747, 2751 and 9340(12)

8 Open Enrollment and Tuition Payment Amounts: Yank 1632/3, Sections 2743 and 9340(10)&(11)

2001

Date (time)
needed

(DN)

LRB b 0499, 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

PG: King:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

**ASSEMBLY AMENDMENT ,
TO 2001 ASSEMBLY BILL 144**

At the locations indicated, amend the bill as follows:

1. Page 1721, line 2: after that line insert:

"SECTION 4034m. 992.14 of the statutes is created to read:

992.14 Revenue limit agreement. Notwithstanding s. 121.91, if a school district held a referendum before February 5, 2001, to exceed its revenue limit under s. 121.91 (2m) (e), and the resolution adopted by the school board and referred to in the question submitted to the electors specified a mill rate to be used to calculate the revenue limit increase, the amount by which the school district's revenue limit is increased as a result of the referendum for each year specified in the referendum is the dollar amount agreed to by the department of public instruction and the school board of that school district."

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

497
LRBb01/1dn
PG:kmg:km
↑

May 3, 2001

It is possible that a Wisconsin court would find that this amendment constitutes a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of this bill, which clearly encompasses more than one subject.

The Wisconsin Supreme Court has created 2 tests to determine whether a bill is "private or local." One test applies to bills that are specific as to persons, places, or things. See *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79 (1986). The other test applies to legislation that is general on its face but applicable only to a particular class. See *City of Brookfield v. Milwaukee Metropolitan Sewerage District*, 144 Wis. 2d 896 (1988), and *Davis v. Grover*, 166 Wis. 2d 501 (1992).

This amendment is general on its face but applicable only to a particular class (school districts that held a revenue limit referendum, with certain characteristics, before February 5, 2001). Under the *Brookfield* test, this amendment is unconstitutional unless all of the following are true:

1. The classification is based upon substantial distinctions that make one class really different from another.
2. The classification is germane to the purpose of the law.
3. The class is open to additional members
4. The law applies equally to all members of the class.
5. The characteristics of each class are so different from those of the other classes that substantially different treatment is justified.

Because the class to which this amendment is applicable is closed to additional members, you may wish to consider introducing the amendment as a separate bill in order to avoid the possibility of a constitutional challenge.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0497/1dn
PG:lmg:rs

May 31, 2001

It is possible that a Wisconsin court would find that this amendment constitutes a "private or local bill" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of this bill, which clearly encompasses more than one subject.

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Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

LFB:.....Kava – Validate revenue limit agreement

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

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2 **1.** Page 1721, line 2: after that line insert:

3 **“SECTION 4034m. 992.14** of the statutes is created to read:

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6 s. 121.91 (2m) (e), and the resolution adopted by the school board and referred to in
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8 revenue limit increase, the amount by which the school district’s revenue limit is
9 increased as a result of the referendum for each year specified in the referendum is

1 the dollar amount agreed to by the department of public instruction and the school
2 board of that school district.”.

3 (END)